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**ORIGINAL**

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

TEXAS PEANUT FARMERS, *et al.*

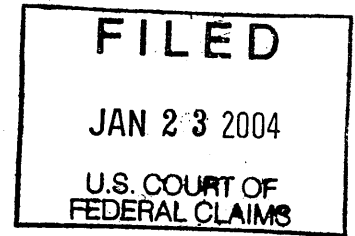
Plaintiffs,

VS.

THE UNITED STATES,

Defendant.

No. 03-445C  
(Judge Firestone)



**MOTION FOR EXTENSION OF TIME TO FILE**  
**NOTICE OF APPEAL**

NOW COME the Plaintiffs in the above-captioned matter and respectfully move for an extension of time to file Notice of Appeal. In support of this Motion, undersigned counsel shows the Court as follows:

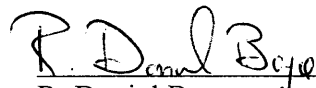
1. On December 16, 2003, this Court issued an Order dismissing the lawsuit. Thereafter, Plaintiffs filed a Motion to Reconsider the Order of Dismissal and requested that the Court either transfer the case to the federal district courts or stay the proceedings.
2. On January 13, 2004, the Court ordered the Defendants to file a response to the Motion for Reconsideration by February 11, 2004.
3. The Court previously had stated that a Notice of Appeal had to be filed by February 13, 2004 (see Judgment of December 16, 2003, attached hereto as **Exhibit A.**)
4. Based on the Court's Scheduling Order allowing the Defendants to respond to Plaintiffs Motion for Reconsideration, it appears that filing Notice of Appeal by February 13, 2004 may be premature if the case is stayed or transferred. Accordingly, Plaintiffs request that the Order requiring Notice of Appeal to be filed be stayed pending

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ruling by this Court on Plaintiffs' Motion for Reconsideration in that if the case is stayed or transferred, Notice of Appeal may be unnecessary.

This the 22<sup>nd</sup> day of January, 2004.

**BOYCE & ISLEY, PLLC**

  
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N. C. State Bar # 12329  
Post Office Box 1990  
Raleigh, NC 27602-1990  
Telephone:(919) 833-7373  
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*Attorneys for Plaintiffs*

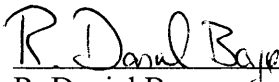
**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that I caused to be served by United States mail, postage prepaid, copies of the foregoing Motion for Extension of Time to File Notice of Appeal addressed as follows:

JANE W. VANNEMAN  
Senior Trial Counsel  
Commercial Litigation Branch  
Civil Division  
Department of Justice  
Attn: Classification Unit, 8<sup>th</sup> Floor  
1100 L Street, N.W.  
Washington, DC 20530

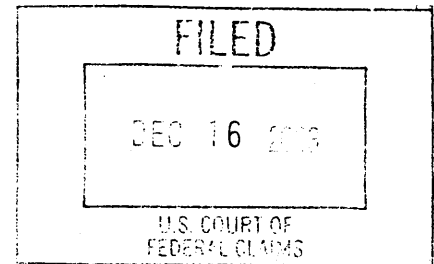
This the 22<sup>nd</sup> day of January, 2004.

**BOYCE & ISLEY, PLLC**

  
\_\_\_\_\_  
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*Attorney for Plaintiffs*

In the United States Court of Federal Claims

No. 03-445 C



TEXAS PEANUT FARMERS, ET AL.,

JUDGMENT

v.

THE UNITED STATES

Pursuant to the court's published opinion, filed December 16, 2003, granting the government's motion to dismiss,

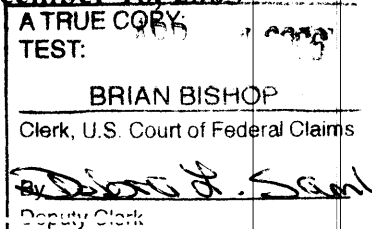
IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that the complaint is dismissed, without prejudice under RCFC 12(b)(1). Each party to bear its own costs.

Brian Bishop  
Acting Clerk of Court

By: *Lisa L. [Signature]*

Deputy Clerk

December 16, 2003



NOTE: As to appeal, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$255.00.

